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07-11-2003  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

75/005,969. Applicant filed its application on October 16, 1995, alleging a date of first use in June 1985 and a date of first use in commerce in June 1985, and the application was published for opposition on February 4, 2003. Opposer has been granted extensions of time through June 4, 2003, and has requested--with consent--an extension of time through Friday, July 4, 2003 (a federal holiday) within which to file a Notice of Opposition.

3. The color purple is not inherently distinctive as applied to Applicant's goods.

4. The color purple is merely ornamental as applied to Applicant's goods.

5. The color purple has not become distinctive of Applicant's goods in commerce.

Opposer has long sold similar or related products, including hydraulic fluids for aircraft, in the color purple. In fact, on information and belief, Opposer's use of the color purple in connection with such products predates Applicant's.

6. Opposer believes that further investigation and/or discovery is likely to show that others have also long sold similar or related products, including greases, oils, and other lubricants, in the color purple.

7. Opposer would be damaged by issuance of the subject registration because it would purport to give Applicant prima facie evidence of the exclusive right to use the color purple for Applicant's goods, which would be inconsistent with Opposer's long use of, and right to use, purple in connection with Opposer's products.

WHEREFORE, Opposer prays that Application Serial No. 75/005,969 be rejected, and that registration of the mark therein be refused.

A duplicate copy of this Notice of Opposition is being filed herewith. The filing fee required by 37 C.F.R. § 2.6(a)(17) may be charged to the Deposit Account of Exxon Mobil Corporation, Account No. 05-1705.

Respectfully submitted,

Date: July 7, 2003

William R. Cohrs  
William R. Cohrs  
Melody L. Schottle  
EXXON MOBIL CORPORATION  
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on July 7, 2003.

William R. Cohrs  
William R. Cohrs

Date: July 7, 2003

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Counsel

TTAB

**ExxonMobil**  
July 7, 2003

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2900 Crystal Drive  
Arlington, Virginia 22202-3513



07-11-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Re: **Notice of Opposition**  
Serial No. 75/005,969  
Mark: COLOR PURPLE  
Opposer: Exxon Mobil Corporation  
Applicant: Royal Purple, Inc.

Dear Madam:

Enclosed for filing by Exxon Mobil Corporation in connection with the above-referenced matter is an original and one copy of **Notice of Opposition**. Also enclosed is our pre-addressed return postcard, to which we request that the mail room stamp be affixed, and which should then be returned to us.

Please charge the applicable filing fee to the Deposit Account of Exxon Mobil Corporation, Account No. 05-1705.

Thank you for your assistance and cooperation in this matter.

Very truly yours,

William R. Cohrs

WRC:dlm  
Enclosures

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